IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9062 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M Y BELIM

Versus

COLLECTOR

Appearance:

MR BN PATEL for Petitioner

MR SAMIR DAVE, AGP, for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/09/2000

ORAL JUDGEMENT

1. Having heard the learned counsel for the petitioner, I do not find any illegality in the order annexure `K' whereby the request of the petitioner for his repatriation to the Revenue Department has been turned down.

2. It is not in dispute that in the Revenue Department, the petitioner was declared surplus as his post was abolished. Instead of terminating his services, he has been accommodated in the Police Department and it is an indulgence which has been shown and it does not confer any right upon the petitioner for his repatriation to his parent department. Rule 16 of the Rules is also very clear, reference of which has been made by the respondents in reply to the special civil application. None of the legal or fundamental rights of the petitioner is infringed.

3. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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zgs/-